

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WAYNE PERRYMAN,

Plaintiff,

v.

DEMOCRATIC NATIONAL COMMITTEE, et
al.,

Defendants.

CASE NO. C05-722C

ORDER

This matter comes before the Court on Plaintiff Wayne Perryman's Response to this Court's Order to Show Cause (Dkt. Nos. 6, 7) and Defendant Democratic National Committee's Motion to Dismiss (Dkt. No. 11). The Court has carefully considered the papers submitted by the parties and hereby finds and rules as follows:

Plaintiff alleges that members of the Democratic Party have engaged in a pattern of overt, systematic racism against African Americans over the past two hundred years in violation of the Civil Liberties Act of 1988 and 42 U.S.C. § 1983. He brings this suit as a class action and seeks certification of a class of all living African American citizens. Plaintiff requests various monetary and equitable relief including: (1) the issuance of a formal apology "for the wrong that was committed during the duration of the Defendants' tenure as an organization or political party"; (2) funding for educational projects

1 depicting all events that “reflect the true relationship between blacks and Democrats from 1792 to 1965”
2 and distribution of these projects to all schools and public libraries in the United States; (3) payment of a
3 consulting fee to Plaintiff and other consultants of his choice for their work in developing these projects;
4 and (4) fees and expenses incurred in this action and the related case *Perryman v. Democratic National*
5 *Committee, et al.*, C04-2442P.

6 On May 10, 2005, this Court issued a Minute Order directing Plaintiff to show cause why the
7 current action should not be dismissed for lack of standing and failure to state a claim pursuant to Fed. R.
8 Civ. P. 12(b)(1) and (6). Without standing, this Court lacks jurisdiction and must dismiss Plaintiff’s
9 Complaint. See *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 559-60 (1992). To establish standing,
10 Plaintiff must show: (1) an “injury in fact,” (2) causation, and (3) redressability. *Id.* at 560-61. To show
11 he suffered an injury in fact, Plaintiff must establish that the injury is (1) concrete and particularized, and
12 (2) actual or imminent. *Id.* at 560. Derivative and general injuries are not sufficient to satisfy the injury
13 in fact requirement. *In re African-American Slave Descendants Litigation*, 304 F. Supp. 2d 1027, 1047
14 (N.D. Ill. 2004); *Cato v. United States*, 70 F.3d 1103, 1109-1110 (9th Cir. 1995).

15 Plaintiff argues that the effect that his fear and mistrust of whites has had on his life constitutes the
16 requisite injury in fact. His mother grew up in the segregated South and was subject to Jim Crow laws.
17 She imparted her fear of whites to him and made it difficult for him to sleep as a child. Plaintiff alleges
18 that this fear continued into his adult years, harming his academic performance and affecting his ability to
19 obtain and retain employment.

20 These alleged injuries are not sufficient to establish standing. They stem from the injury inflicted
21 on African Americans over two-hundred years ago and affect the entire African American community.
22 As such, they are derivative and generalized and therefore do not constitute an injury in fact.

23 The Court finds that Plaintiff has not established that he has standing. Accordingly, the Court
24 hereby GRANTS Defendants’ Motion to Dismiss.

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26 ORDER – 2

1 SO ORDERED this 22nd day of July, 2005.

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4 UNITED STATES DISTRICT JUDGE
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